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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,510	09/23/2005	Norifumi Kikkawa	09812.0142	3015
22852	7590	04/30/2010	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				CHAO, MICHAEL W
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/550,510	KIKKAWA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael Chao	2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 March 2010.
- 2a) This action is **FINAL**.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 19,20,22,23,25,26,28,29,31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 19, 20, 22, 23, 25, 26, 28, 29, 31, 32 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____ .                        |

1                           **DETAILED ACTION**

2                           ***Response to Amendment***

3         This action is in response to applicant's arguments filed 3/18/2010, which was in  
4 response to USPTO Office Action mailed 11/18/2009.

5         Claims 19, 20, 22, 23, 25, 26, 28, 29, 31 and 32 are pending.

6

7                           ***Response to Arguments***

8         Applicant's arguments filed 3/18/2010 have been fully considered but they are  
9 not persuasive.

10        Applicant's argument (pages 14 and 15) that Yamada does not teach "a content  
11 request [that] contains a partial playback identifier indicating that playback of only a  
12 desired portion of the content is requested" of claims 25 and 29, is not persuasive.

13        Yamada teaches a system which allows the editing of a video file (Figure 2 items  
14 206 and 207) and also playback of the edits (Figure 2 items 209 and 210) where the  
15 user can further begin playback from a particular scene in an edited video file (Figure 2  
16 items 212 and 213). This is described in the specification on columns 9 and 10.

17        "In step 209, the title display section reads the title file from the index storing  
18 section, and causes the display section to display the readout index titles. . .

19        In step 210 the title selecting section selects one of the titles displayed by the  
20 display section in accordance with a user's instruction. . .

21        In step 211, the index display section causes the display section to display a list  
22 of representative frames of the index corresponding to the title selected in step 210.

1        In step 212, the representative frame selection section selects one of the  
2 representative frames displayed in the step 211 in accordance with a user's instruction  
3 entered through the input section.

4        In step 213, the playback section successively plays the consecutive scenes of  
5 the designated index in order of the scene number, so that the playback starts with the  
6 representative frame selected in step 212. . .

7        According to the above steps 211 to 213, the playback operation starts from the  
8 representative frame selected by the user. However, it is possible to omit the step of  
9 selecting the representative frame of scene. In this case, after one preferable title is  
10 selected in step 210, it is preferable to successively play all of the scenes from the head  
11 of the index corresponding to the selected title"

12       This is further illustrated in reference to Figure 7 (column 10 of the specification):  
13 "the user may select the index titled '1 year-old Birthday (auto-produced)' which is  
14 automatically produced based on a 20-minute video data. In this case, all the scenes of  
15 the 20-minute video data are played from the beginning, as shown by a section 701 in  
16 FIG. 7. When the user selects the index titled '1 year-old Birthday (abstract)' which is an  
17 abstract collecting the important scenes, only the selected important portions are played  
18 back as shown by sections 702 to 704 in FIG. 7."

19       (note that this is a client server system as shown in column 10 line 55)

20       Therefore Yamada teaches a system which may request partial playback ('1  
21 year-old Birthday (abstract)' OR step 213) or full playback ('1 year-old Birthday (auto-  
22 produced)' OR step 213 where the first scene is selected) of desired portions, as

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1 claimed: "a content request [that] contains a partial playback identifier indicating that  
2 playback of only a desired portion of the content is requested".

3 Therefore, Applicant's argument must be that the data of the 'content request'  
4 containing a 'partial playback identifier' has a particular structure, which Applicant  
5 asserts is not taught by Yamada. This is an unclaimed feature, and is therefore an  
6 unpersuasive argument.

7 Applicant's argument (pages 15 and 16) that Yamada does not teach a graphical  
8 user interface configured to receive input from the user for "editing the index information  
9 to modify the identification of the portion of the content to be played back" of claim 29, is  
10 not persuasive. Yamada explicitly recites that he contemplates "a plurality of and  
11 various indices from the same video data and also becomes possible to give a title to  
12 each produced index. For example, it becomes possible to edit a new index . . ."  
13 (Column 9 line 25) where this is done through a user interface (column 8 line 28 and  
14 column 9 line 16) (see also index editing section 106). Therefore, Yamada teaches the  
15 claimed lacking elements, Applicant's argument is not persuasive.

16 Applicant's further arguments depend on those addressed and are not  
17 persuasive for the reasons stated.

18

19 ***Claim Rejections - 35 USC § 101***

20 35 U.S.C. 101 reads as follows:

21 Whoever invents or discovers any new and useful process, machine, manufacture, or composition of  
22 matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the  
23 conditions and requirements of this title.  
24

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1       Claims 31 and 32 are rejected under 35 U.S.C. 101 because the claimed  
2 invention is directed to non-statutory subject matter. Claims 31 and 32 recite a  
3 "computer readable storage medium". Broadly interpreted a computer readable storage  
4 medium may include transitory storage mediums such as a transmission line storing a  
5 propagating signal. A transitory medium is not patentable subject matter, see *In re*  
6 *Nuijten*, 500 F3d 1346, 84 USPQ2d 1495 (2007). The examiner suggests rewording to  
7 explicitly exclude transitory media such as "non-transitory" or "non-transmissible" media.

8  
9

10                   ***Claim Rejections - 35 USC § 112***

11       The following is a quotation of the second paragraph of 35 U.S.C. 112:

12                   The specification shall conclude with one or more claims particularly pointing out and distinctly  
13 claiming the subject matter which the applicant regards as his invention.

14  
15       Claims 22 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being  
16 indefinite for failing to particularly point out and distinctly claim the subject matter which  
17 applicant regards as the invention.

18       Claims 22 and 28 as amended now appear to recite access permissions. This is  
19 ambiguous for two reasons. (1) In common use, the operation of setting permissions is  
20 performed by an operator on a file system (e.g. Applicants specification page 40 line 5):  
21 a user would set the permissions for a file while a system would inform or otherwise  
22 display a users file permissions to a user. Therefore, information transmitted to a client  
23 which sets permissions appears to be separate and distinct from access permissions.  
24 (2) The depended upon claims do not recite rewriting, addition nor deletion of property  
25 information; therefore claim 22 appears to be further limiting in that it requires those

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1 operations to be available to the user rather than requiring access permissions. A  
2 reasonable interpretation would be that the ‘editable property information includes  
3 information (assumedly for display) which allows at least one of rewriting, addition, and  
4 deletion of elements of the property information.

5 It is suggested the claim be reworded “wherein the editable property information  
6 includes access permissions for at least one of rewriting, addition, and deletion of  
7 elements of the property information.”

8

9

10 ***Claim Rejections - 35 USC § 102***

11  
12 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that  
13 form the basis for the rejections under this section made in this Office action:

14 A person shall be entitled to a patent unless –

15 (b) the invention was patented or described in a printed publication in this or a foreign country or in public  
16 use or on sale in this country, more than one year prior to the date of application for patent in the United  
17 States.  
18  
19

20 Claims 19, 23, 25, 29, 31 and 32 rejected under 35 U.S.C. 102(b) as being  
21 anticipated by Yamada (US 6,370,316).

22 With respect to claim 19, 25, 31, Yamada teaches:

23 An information processing apparatus for executing content transmission,  
24 comprising:

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1        a storage unit which stores content and property information associated with the  
2 content; ("A data storing section 113 consists of the video data storing section 101 and  
3 the index storing section 103" Yamada column 7 line 10)

4        a data transmitting/receiving unit which executes data transmission and reception  
5 with a client as a content information requesting device; and ("FIG. 8 shows a  
6 server/client type moving picture retrieving system" Yamada column 10 line 55)

7        a content information generating unit which generates content information, the  
8 content information comprising content and editable property information associated  
9 with the content, and which transmits the content information to the client; and ("it is  
10 checked whether the user intends to produce an index. . . . the user performs the  
11 retrieving operation by using the presently available indices" Yamada column 7 line 35)

12        a content extracting unit which, in response to a content request from the client,  
13 acquires requested content from the storage unit, ("it becomes possible to perform the  
14 playback operation by connecting only necessary scenes of video data by editing the  
15 indices array the necessary scenes." Yamada column 11 line 20)

16        wherein the property information includes index information identifying a partial  
17 content region of the content, and ("the scene producing section 102 produces a file  
18 summarizing the obtained data, i.e., start/end times of each scene, scene number, file  
19 name of a representative frame of scene, and video file name of each scene. . . .(i.e.  
20 index file 122)" Yamada column 7 line 62)

21        the content extracting unit is configured to:

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1 determine whether the content request from the client contains a partial playback

2 identifier indicating that playback of only a desired portion of the content is requested;

3 when it is determined that the content request contains the partial playback

4 identifier:

5 extract, of the content, only the partial content region of the content identified by

6 the index information on from the storage unit; and

7 transmit, of the content, only the extracted partial content region to the client ("it

8 becomes possible to perform the playback operation by connecting only necessary

9 scenes of video data by editing the indices array the necessary scenes." Yamada

10 column 11 line 20) ("the user may select the index titled '1 year-old Birthday (auto-

11 produced)' which is automatically produced based on a 20-minute video data. In this

12 case, all **the scenes of the 20-minute video data are played from the beginning**, as

13 shown by a section 701 in FIG. 7. When the user selects the index titled '1 year-old

14 Birthday (abstract)' which is an abstract collecting the important scenes, **only the**

15 **selected important portions are played back as shown by sections 702 to 704 in**

16 FIG. 7." Yamada Column 10 line 27)

17 when it is determined that the content request does not contain a partial playback

18 identifier:

19 extract the content in its entirety from the storage unit based on the index

20 information; and

21 transmit the content in its entirety to the client. (Yamada Column 10 line 27)

22

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1        With respect to claims 23, 29, 32, Yamada teaches: An information processing  
2 apparatus for performing acquiring content, comprising:  
3            a data transmitting/receiving unit which executes data transmission and reception  
4 with a server storing the content; (See Yamada figure 8 items 803)  
5            a content requesting unit which generates, and sends to the server content  
6 request data including partial content playback information; ("it is checked whether the  
7 user intends to produce an index. . . . the user performs the retrieving operation by  
8 using the presently available indices" Yamada column 7 line 35)  
9            a content playback control unit which controls playback of partial content  
10 received from the server through the data transmitting/receiving unit; ("it is also possible  
11 to select an index titled "sports even result" to selectively watch the news of a specific  
12 theme." Yamada column 11 line 10)  
13            a content information analyzing unit which analyzes property information  
14 corresponding to the content received from the server which generates a graphical user  
15 interface, the property information including index information identifying a partial  
16 content region of the received content to be played back; and (See Yamada Figures 2-  
17 5)  
18            a display unit which displays the graphical user interface, the graphical user  
19 interface comprising a graphical representation of a playlist for the received content and  
20 of the property information corresponding to the received content, ("an index display  
21 section causes the display section to display the representative frame of the designated  
22 index corresponding to the title selected by the title selection section. A representative

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1 frame selection section selects one of the representative frames displayed on the  
2 display section in response to a user's instruction." Yamada column 7 line 1)  
3 wherein the graphical user interface is configured to receive user input for editing  
4 the index information to modify the identification of the partial content region of the  
5 received content to be played back, and ("In step 204, the scene producing section 102  
6 produces a file summarizing the obtained data, i.e., start/end times of each scene,  
7 scene number, file name . . ." Yamada column 7 line 64; Also "the index editing section  
8 edits the index in accordance with the user's instructions and produces a new index"  
9 column 8 line 35)

10 the content playback control unit is configured to playback the content baed on  
11 the edited index information such that only the modified identified portion of the partial  
12 content region is played back. ("When the user selects the index titled '1 year-old  
13 Birthday (abstract)' which is an abstract collecting the important scenes, **only the**  
14 **selected important portions are played back as shown by sections 702 to 704 in**  
15 FIG. 7." Yamada Column 10 line 27)

16

17 ***Claim Rejections - 35 USC § 103***

18 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
19 obviousness rejections set forth in this Office action:

20 (a) A patent may not be obtained though the invention is not identically disclosed or described as set  
21 forth in section 102 of this title, if the differences between the subject matter sought to be patented and  
22 the prior art are such that the subject matter as a whole would have been obvious at the time the  
23 invention was made to a person having ordinary skill in the art to which said subject matter pertains.  
24 Patentability shall not be negatived by the manner in which the invention was made.  
25

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1       Claims 20, 26, are rejected under 35 U.S.C. 103(a) as being unpatentable over  
2 Yamada.

3       Regarding claims 20, 26, Yamada teaches: wherein: the index information  
4 includes:

5           index-start-position information representing, as start-position information of the  
6 partial content data, information of a time or a data amount from the start of the content;  
7 and

8           index-region information, as region information of the partial content data; and  
9 (“i.e., start/end times of each scene. . . .(i.e. index file 122)” Yamada column 7 line 62)

10          the content extracting unit is configured to execute acquiring partial content data  
11 specified by the index-start-position information and the index-region information. (“it  
12 becomes possible to perform the playback operation by connecting only necessary  
13 scenes of video data by editing the indices array the necessary scenes.” Yamada  
14 column 11 line 20).

15          Yamada does not explicitly disclose that the index-region information is  
16 “representing a time or data amount from the index-start position”; however start and  
17 stop times are essentially identical where if you have a start and stop time you can  
18 compute the time between the start and stop time. It is therefore an obvious alternative  
19 to use the segment length rather than the start and stop times to denote the index-  
20 region.

21

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1       Claims 22, 28, are rejected under 35 U.S.C. 103(a) as being unpatentable over  
2 Yamada in view of Official Notice.

3       Regarding claims 22, 28, Yamada teaches: wherein the editable property  
4 information includes information which sets permission of at least one of rewriting,  
5 addition, and deletion of elements of the property information. (“The user’s instruction  
6 includes the change of scene number, division of scene, joint of scenes, deletion of  
7 scene, and change of the representative frame of scene.” Yamada column 6 line 60).

8 Yamada does not teach access permissions. File access permissions are commonly  
9 known, for instance UNIX file permissions have read, write, and execute for a file.

10 Official Notice is taken thereof. A person of ordinary skill in the art at the time of  
11 invention would have modified Yamada by including permissions for read and write by  
12 including data with the file to inform the user what operations he may perform on a file.  
13 It would have been obvious at the time the invention was made to a person of ordinary  
14 skill in the art to modify Yamada to prevent unscrupulous persons from obtaining  
15 unlimited access to the file system and/or to prevent unintended operations.

16

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Chao whose telephone number is (571)270-1343. The examiner can normally be reached on 8-4 Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip Lee can be reached on (571)272-3967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

9 Patent Application Information Retrieval (PAIR) system. Status information for  
10 published applications may be obtained from either Private PAIR or Public PAIR.  
11 Status information for unpublished applications is available through Private PAIR only.  
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13 you have questions on access to the Private PAIR system, contact the Electronic  
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15 USPTO Customer Service Representative or access to the automated information  
16 system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. C./  
Examiner, Art Unit 2442

/Philip C Lee/  
Primary Examiner, Art Unit 2448